

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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| JEFFREY HAZEL, | : |
| Plaintiff | : |
| v. | : Case No. 3:02-cv-219-KRG-KAP |
| JOHN McCULLOUGH, SUPERINTENDENT, | : |
| S.C.I. HOUTZDALE, <u>et al.</u> , | : |
| Defendants | : |

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 19, 2007, docket no. 45, recommending that the defendants' motion for summary judgment, docket no. 35, be granted.

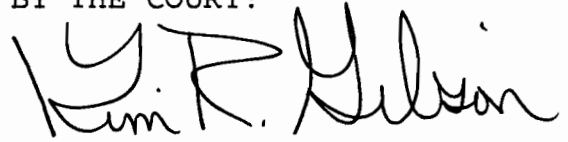
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 26, which I have reviewed but do not find meritorious.

Upon de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 27th day of June, 2007, it is

ORDERED that defendants' motion for summary judgment, docket no. 35, is granted. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. It is positioned above a horizontal line that separates it from the printed name below.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record